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6 *In Propria Persona*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF ARIZONA**

9 Jason Crews,

10 Plaintiff,

11 v.

12 Donald Hiatt,

13 Defendant.

Case No. cv24-02129-PHX-CBD

**RULE 26(f) CASE MANAGEMENT
REPORT**

Judge: Hon. Camile Bibles

14
15 In accordance with the Court's October 24, 2024 order (Doc. 25), Plaintiff and
16 defense counsel conferred by phone, on October 17, 2024, to discuss the matters set forth
17 in Rule 26(f)(2). Accordingly, Plaintiff Jason Crews, *pro se*, and defense Donald Hiatt, *pro*
18 *se*, submit this Joint Case Management Report.

19
20 **1. RULE 26(f) MEETING**

21 The following persons attended the Rule 26(f) meeting and assisted in developing
22 this report:

23 Plaintiff, Jason Crews, *Pro Se*

24 Donald Hiatt, *Pro Se*

25 **2. LIST OF PARTIES**

26 Plaintiff Jason Crews

27 Defendant Donald Hiatt

28 **3. STATEMENT OF THE NATURE OF THE CASE**

Plaintiff brings this action to recover statutory damages for alleged willful violations

1 of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

2 Plaintiff’s claims relate to one call containing a prerecorded voice allegedly received
3 by Plaintiff to his cell phone on July 29, 2024 without his prior express consent in violation
4 of § 227(b). Plaintiff alleges that these calls were placed en mass in in full knowledge that
5 the calls were prohibited thus willfully violating the TCPA.

6 Donald Hiatt, defendant, contends:

7 When the Plaintiff registered to vote, the cell phone number supplied by Plaintiff
8 was voluntarily proffered to AZ GOP Data Center. The phone number field on a voter
9 registration form (paper or electronic) is NOT a required field and thus was voluntarily
10 supplied, with knowing consent, by the Plaintiff.

11 Before candidates are granted access to information and data stored in AZ GOP Data
12 Center, the candidate must wet sign a Permissible Usage agreement that states:

13 PERMISSIBLE USAGE: It is understood that the information contained in GOP
14 Data Center may be used for any legal purpose that may reasonably be categorized as both
15 non-commercial and political. Under no circumstances shall any information incorporated
16 in GOP Data Center be used for commercial purposes.

17 **4. JURISDICTION**

18 The Court has subject matter jurisdiction over this action because the claim arises
19 under the TCPA. *Mims v. Arrow Financial Services, LLC*, 565 U.S. 368, 132 S.Ct. 740
20 (2012); 28 U.S.C. § 1331.

21 **5. PARTIES WHO HAVE NOT BEEN SERVED**

22 All Defendants were either served or have appeared and consented to the Court’s
23 jurisdiction.

24 **6. ADDITIONAL PARTIES**

25 Plaintiff does not anticipate adding parties to the case at this time. Plaintiff reserves
26 the right to amended and/or supplement his complaint, with leave of the court, relief
27 following further investigation and discovery.

28 Defendant does not anticipate adding parties to the case at this time. Defendant

1 reserves the right to amend and/or supplement his complaint, with leave of the court, relief
2 following further investigation and discovery.

3 **7. CONTEMPLATED MOTIONS**

4 Plaintiff is not presently contemplating a need for either dispositive motions or
5 evidentiary motions but reserves the right to pursue appropriate relief following further
6 investigation and discovery.

7 Defendant is not presently contemplating a need for either dispositive motions or
8 evidentiary motions but reserves the right to pursue appropriate relief following further
9 investigation and discovery.

10 **8. STATUS OF RELATED CASES**

11 Plaintiff is currently pursuing TCPA claims against other parties in the District of
12 Arizona, but those cases involve different defendants, and are unrelated to this matter.

14 **9. EXCHANGE OF INITIAL DISCLOSURES**

15 Plaintiff has served initial disclosures to defendants, on October 16, 2024.

16 Pursuant to this Court's October 25, 2024 Order, Doc 25, Defendant Donald Hiatt
17 was required to serve initial disclosures no later than October 27, 2024. To date, Defendant
18 Hiatt has yet to do so.

19 **10. STATUS OF SERVICE OF REQUESTS UNDER RULE 26**

20 Plaintiff to serve requested under Rules 30 and/or 31, and Plaintiff has served request
21 under Rules 33, 34, and 35 on October 17, 2024. Defendant to serve requested under Rules 30 and/
22 or 31 and will serve request under Rules 33, 34, and 35.

23 **11. ISSUES RELATING TO THE DISCLOSURE OR DISCOVERY OF** 24 **ELECTRONICALLY STORED INFORMATION (ESI)**

25 Plaintiff intends to seek ESI in the form of records and documents which should be
26 readily available to Defendant. Plaintiff will endeavor to limit request in scope to limit the
27 costs associated with discovery of ESI.
28

1 Defendant intends to seek ESI in the form of records and documents which should
2 be readily available to Plaintiff. Defendant will endeavor to limit request in scope to limit
3 the costs associated with discovery of ESI.

4 **12.ISSUES RELATING TO PRIVILEGE OR WORK PRODUCT**

5 The parties have not made any agreement regarding the post-production assertion of
6 attorney-client privilege or work product protection.

7 The parties do not anticipate at this time any likely assertion of attorney-client
8 privilege or work product privilege, but they reserve the right to assert such privileges as
9 appropriate.

10 **13.POTENTIAL RULE 502(d) ORDERS**

11 Plaintiff has no objection to a Rule 502(d) order permitting the post-production
12 assertion of attorney-client privilege or protection under the work product doctrine.

13 Defendant has no objection to a Rule 502(d) order permitting the post-production
14 assertion of attorney-client privilege or protection under the work product doctrine.

15 **14.NECESSARY DISCOVERY**

16 **A. Proposed Discovery By Plaintiff**

17 Plaintiff believes the following discovery is warranted in this action which he
18 believes is reasonable and proportional to the nature and number of violations alleged:

19 1. Discovery pertaining to nature, processes, and procedures used to place phone
20 calls to Plaintiff. This includes, but is not limited to, any automated dialing systems which
21 may have been used, any other systems which were used independently or in conjunction
22 with one another which could fall under the definition 47 U.S.C. § 227(a)(1), and which
23 would be prohibited under 47 U.S.C. § 227(b)(1)(A);

24 2. Discovery pertaining to the existence of written policy, available upon
25 demand, for maintaining a do-not-call list which is required under C.F.R § 64.1200(c)(1);

26 3. Discovery pertaining to the willfulness of Defendants alleged calls;

27 4. Plaintiff intends to request written discovery, depositions, admission, and
28 interrogatories as permitted under Rules 26(b)(1), 32(a)(1), 33(a)(1), 34 and 36.

1 5. Plaintiff expects to depose Defendant Hiatt.

2 6. Discovery pertaining to the identity of any third parties which Defendant Hiatt
3 may have utilized to place any alleged violative calls.

4 **B. Defendants' Position Regarding Discovery**

5 Defendant believes the following discovery is warranted in this action which he
6 believes is reasonable and proportional to the nature and number of violations alleged:

7 1. Discovery pertaining to business or financial activities that provide
8 substantive or majority of income to Plaintiff in the last two years. This includes, but is not
9 limited to, any related claims against other parties in the District of Arizona, whether
10 mutually settled with a financial remuneration, Voluntarily Dismissed with Prejudice and
11 no financial remuneration and the number of claims still open and the financial demands for
12 relief of those open claims.

13 2. Defendant intends to request written discovery, depositions, admission, and
14 interrogatories as permitted under Rules 26(b)(1), 32(a)(1), 33(a)(1), 34 and 36.

15 3. Defendant expects to depose Plaintiff.

16 **15. PROPOSED DEADLINES**

17 The parties propose that the Court adopt the following deadlines:

18 Completion of fact discovery:	June 28, 2025
19 Disclosure of expert opinions by Plaintiff:	Not anticipated (otherwise 6/28/2025)
20 Disclosure of Defendant's expert opinions:	Not anticipated (otherwise 7/26/2025)
21 Disclosure of rebuttal expert opinions:	Not anticipated (otherwise 8/16/2025)
22 Completion of expert depositions:	Not anticipated (otherwise 9/13/2025)
23 Good faith settlement talks	June 28, 2025
24 Filing of dispositive motions:	July 26, 2024 (10/11/2025 if experts)
25 Initial Rule 33 and 34 requests	April 19, 2025
26 Initial Rule 30 and 31 requests	May 3, 2026
27 Rule 35 request	Not anticipated

28 **16. JURY TRIAL**

1 Plaintiff has requested a Jury trial.

2 Defendant - has not requested a Jury trial.

3 **17. ESTIMATED LENGTH OF TIRAL**

4 Plaintiff estimated the trial will take 2 court days.

5 Defendant does not believe the trial will take more than 2 court days.

6 **18. PROSPECTS FOR SETTLEMENT**

7 Plaintiff's statement: The parties are presently at an impasse in settlement
8 negotiations but Plaintiff believes the they would benefit from a court facilitated
9 settlement conference. Plaintiff has attempted to engage in good faith settlement talks
10 with Defendant and as a result of those talks Plaintiff believes further talks will not be
11 possible without the confidentiality protections afforded by the alternative dispute
12 resolution process and the mediation of a magistrate.

13 Defendant's statement: The parties are presently at an impasse in settlement
14 negotiations but Defendant believes they would benefit from a court facilitated settlement
15 conference. Defendant has attempted to engage in good faith settlement talks with
16 Plaintiff and as a result of those talks Defendant believes further talks will not be possible
17 without the confidentiality protections afforded by the alternative dispute resolution
18 process and the mediation of a magistrate.

19 **19. ANY UNUSUAL, DIFFICULT, OR COMPLEX PROBLEMS AFFECTING
20 THE CONDUCT OF THE CASE**

21 Plaintiff has not identified any such issues at this time.

22 Defendant has not identified any such issues at this time.

23 **20. OTHER MATTERS**

24 Plaintiff requests that this Court hold pre-trial conferences (including the Case
25 Management Conference) by telephone or virtual means to limit the time and expense
26 for the parties and counsel.
27
28

1 DATED October 30, 2024.

2
3 By /s/ Jason Crews
4 Jason Crews
5 1515 North Gilbert Road, Suite 107-204
6 Gilbert, Arizona 85234

7 *Plaintiff in pro per*

8 By /s/ Donald Hiatt. (with permission)
9 Donald Hiatt

10 *Defendant in pro per*

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on October 30, 2024, I electronically filed the foregoing **RULE**
13 **26(f) CASE MANAGEMENT REPORT** with the Clerk of the Court using the CM/ECF
14 system, which sent notification of such filing to the following CM/ECF registrants and
15 mailed and emailed to anyone not registered:

16
17 By /s/ Jason Crews
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